

# **TOWN OF DAVIE**

## **TOWN COUNCIL AGENDA REPORT**

**TO:** Mayor and Councilmembers

**FROM/PHONE:** Mark Kutney, AICP, Development Services Director/ (954) 797-1101  
Prepared by David M. Abramson, Planner I

**SUBJECT:** Resolution: DG 7-2-04 / 04-384 / Seventh Day Plat / Generally located on the northwest corner of N.W. 74<sup>th</sup> Avenue and Davie Road.

**AFFECTED DISTRICT:** District 2

### **TITLE OF AGENDA ITEM:**

A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING A DELEGATION REQUEST TO CHANGE THE RESTRICTIVE NOTE ON THE SUBDIVISION PLAT KNOWN AS THE SEVENTH DAY PLAT, AND PROVIDING AN EFFECTIVE DATE.

**REPORT IN BRIEF:** Petitioner is requesting to amend the restrictive note on “Seventh Day Plat”:

**From:** This plat shall be restricted to 35,000 square feet of church use. Other church related uses, such as elementary, middle and high school, preschool or day care are not permitted without the approval of the Board of County Commissioners who shall review and address theses uses for increased impacts.

**To:** This plat is restricted to 28 townhouse units and 28 garden apartments.

The Petitioner is requesting to amend the restrictive note on the “Seventh Day Plat” to reflect the new proposed level of development on this property. This request is associated with Site Plan Application (SP 6-10-04) Jasmine Isles and the Rezoning Application (ZB 6-1-04) Jasmine Isles both on the same Town Council agenda.

Staff finds that the proposed amendment is consistent with the existing and proposed use of the subject site.

**PREVIOUS ACTIONS:** None

**CONCURRENCES:** None

**FISCAL IMPACT:** N/A

**RECOMMENDATION:** Staff finds the subject application complete and suitable for transmittal to Town Council for further consideration.

**Attachments:** Resolution, Planning Report, Justification letter, Plat, Future Land Use Map, Zoning and Aerial Map

RESOLUTION \_\_\_\_\_

A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING A REVISION TO THE RESTRICTIVE NOTE OF THE "SEVENTH DAY PLAT," AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the boundary plat known as the Seventh Day Plat was recorded in the public records of Broward County in Plat Book 167, Page 45; and

WHEREAS, the owners desire to revise the restrictive note associated with said plat; and

WHEREAS, Broward County requires that the Town of Davie concur with this revision prior to a review of the proposed revision by Broward County Commission.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF DAVIE, FLORIDA.

SECTION 1. The Town Council of the Town of Davie does hereby approve of the proposed revision to the restrictive note shown on the Seventh Day Plat. The proposed revision being specifically described on the planning report attached hereto as Exhibit "A".

SECTION 2. This resolution shall take effect immediately upon its passage and adoption.

PASSED AND ADOPTED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2005.

\_\_\_\_\_  
MAYOR/COUNCILMEMBER

ATTEST:

\_\_\_\_\_  
TOWN CLERK

APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2005.

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**TOWN OF DAVIE**  
**Development Services Department**  
**Planning & Zoning Division**  
*Staff Report and Recommendation*

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**Applicant Information**

**Owner:**

**Name:** Cynthia Duncanson  
**Address:** P.O. Box 2626  
**City:** Winter Park, Florida 32790  
**Phone:** (407) 644-5000

**Petitioner:**

**Name:** Triad Housing Partners  
**Address:** 6535 Nova Drive, Suite # 106  
**City:** Davie, Florida 33317  
**Phone:** (954) 472-3050

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**Background Information**

**Application History:** No deferrals have been requested.

**Application Request:** Petitioner is requesting to amend the restrictive note on "Young World Plat":

**From:** This plat shall be restricted to 35,000 square feet of church use. Other church related uses, such as elementary, middle and high school, preschool or day care are not permitted without the approval of the Board of County Commissioners who shall review and address these uses for increased impacts.

**To:** This plat is restricted to twenty-eight (28) townhouse units and twenty-eight (28) garden apartments.

**Location:** Generally located on the northwest corner of Northwest 74<sup>th</sup> Avenue and Davie Road Extension

**Land Use Plan**

**Designation:** Residential 10 DU/AC

**Existing/Proposed  
Zoning:**

CF, Community Facility / RM-10, Residential Multifamily Medium Dwelling District

**Existing Use:** Vacant land

**Proposed Use:** Fifty-six (56) affordable new two-story condominiums and townhouses

**Parcel Size:** 5.68 acres (274,421 square feet)

	<u>Surrounding Uses:</u>	<u>Surrounding Land Use Plan Designation:</u>
<b>North:</b>	Vacant	Community Facility
<b>South:</b>	Vacant	Commercial
<b>East:</b>	Multi-family dwellings	Residential (16 DU/ AC)
	San Carlos Plaza	Commercial
<b>West:</b>	Ehlinger Apartments	Residential (16 DU/ AC)
	<u>Surrounding Zoning:</u>	
<b>North:</b>	CF, Community Facility District	
<b>South:</b>	B-2, Community Business District	
<b>East:</b>	RM-16, Residential Multifamily – Medium High Dwelling District & B-2, Community Business District	
<b>West:</b>	RM-16, Residential Multifamily – Medium High Dwelling District	

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**Zoning History**

**Related Zoning History:**

*Rezoning Application* (ZB 9-3-93) On December 15, 1993, Town Council approved the Pem-Mar Seventh Day Adventist Church, from (RM-10) Medium Density Dwelling District to (CF), Community Facilities District, with a Declaration of Restrictions limiting the site to church purposes, not to include day care or childcare facilities.

**Concurrent Request on same property:**

*Rezoning Application* (ZB 6-1-04) this application is proposing to rezone the subject site from CF, Community Facility to Residential Multifamily Medium Dwelling (RM-10) District.

*Site Plan Application* (SP 6-10-04) this application is proposing fifty-six (56) residential multifamily units on the subject site.

**Previous Request on same property:**

*Developers Agreement* (DA 4-1-03) On May 21, 2003, Town Council approved a developers agreement for a tri-party agreement with Pem-Mar Seventh Day Adventist Church to meet county concurrency.

*Master Site Plan* (MSP 2-2-02) On September 4, 2002, Town Council approved a master site plan for Pem-Mar Seventh Day Adventist Church that expired after one-year.

*Variance Request (V 2-2-02)* On May 15, 2002, Town Council approved a variance for Pem-Mar Seventh Day Adventist Church, reducing the distance separation between houses of worship from 2,500 to 0 feet.

*Site Plan Application (SP 8-1-00)*, Pem-Mar Seventh-Day Adventist Church received approval for this site plan application that expired after one-year.

*Variance Request (V 8-1-00)* On September 22, 2000, Town Council approved a variance for Pem-Mar Seventh Day Adventist Church, reducing the distance separation between houses of worship from 2,500 to 0 feet. Due to complications related to the platting process, site plan approval was not achieved prior to the expiration of the one (1) year time limit on variances.

*Plat Application (P 9-2-93)*, On December 15, 1993 Town Council approved the plat for Pem-Mar Seventh Day Plat, with a note restricting the plat to "35,000 square feet of church use; other church related uses, such as elementary, middle, high school, preschool or day care are not permitted without approval of the Board of County Commissioners". The plat expired on April 7, 2003, because no building permits for a principal building were issued.

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## **Comprehensive Plan Considerations**

**Planning Area:** The subject site is located within Planning Area 11. This Planning Area is bound by Stirling Road on the north, Davie Road Extension on the southeast, and University Drive on the west. The area is characterized by multi-family residential development on the south side of Stirling Road, ranging from 8 to 16 dwellings per acre. There is one single family residential subdivision developed at five dwellings per acre.

**Broward County Land Use Plan:** The subject site falls within Flexibility Zone 102.

### **Applicable Goals, Objectives & Policies:**

*Future Land Use Plan, Objective 17: Land Use Compatibility and Community Appearance, Policy 17-2:* No property within the Town shall be rezoned to a zoning district that is not in compliance with the Davie Future Land Use Plan.

*Future Land Use Plan, Objective 17: Land Use Compatibility and Community Appearance, Policy 17-6:* Town land development regulations shall address incompatible land uses through requirements such as buffering and setbacks.

*Future Land Use Plan, Objective 17: Land Use Compatibility and Community Appearance, Policy 17-7:* Adopted land development regulations shall continue to set forth setbacks or separation regulations, landscaping requirements, and minimum open space criteria to enhance living and working environments.

## Applicable Codes and Ordinances

The effective Code of Ordinances governing this project is the Town of Davie Land Development Code.

*Land Development Code, §12-24 (I) (4), Neighborhood Conservation Districts.* The RM-10, Residential Multifamily Medium Dwelling District is intended to implement the ten-(10) multi dwelling units per acre residential classification of the Town of Davie Future Land Use Plan and the residential classification of the Town of Davie Comprehensive Plan.

*Land Development Code, §12-81 (C) of the Land Development Code, Conventional Multifamily Development Standards, RM-10, Residential Multifamily Medium Dwelling District* requires the following minimums: lot area of 3,500 square feet, 100' frontage, 25 front setbacks, 20' side setbacks, 25' rear setback, and the following maximums: height 35', 40% building coverage.

The Broward County Land Development Code requires Delegation Requests for plat note amendments.

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### Application Details

The petitioner requests approval of the resolution to authorize the change in the restrictive note on the Seventh Day Plat **FROM:** "This plat shall be restricted to 35,000 square feet of church use. Other church related uses, such as elementary, middle and high school, preschool or day care are not permitted without the approval of the Board of County Commissioners who shall review and address these uses for increased impacts."; **TO:** "This plat is restricted to twenty-eight (28) townhouse units and twenty-eight (28) garden apartments."

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### Staff Analysis

The Comprehensive Plan and Land Development Code permits parcels designated RM-10, Residential Multifamily Medium Dwelling District to be developed with multi-family residential dwelling units. The petitioner concurrently has a rezoning and site plan application with this delegation request for the future development of "Jasmine Isles" a residential community.

Approval of this request is subject to sufficient capacity of the regional road network as determined by Broward County. In the event sufficient capacity is not met, the delegation request shall be deemed denied by the Town of Davie.

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### Findings of Fact

Staff finds that the proposal to develop the site with twenty-eight (28) townhouse units and twenty-eight (28) garden apartments is consistent with the proposed RM-10 zoning and Residential 10 DU/AC Land Use Plan designations, and is compatible with the surrounding area. Staff has no objection to the request.

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## Staff Recommendation

Staff finds the subject application complete and suitable for transmittal to the Town Council for further consideration.

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## Exhibits

1. Justification
2. Plat
3. Future Land Use Plan Map
4. Zoning and Aerial Map

Prepared by: \_\_\_\_\_

Reviewed by: \_\_\_\_\_

## **"Exhibit 1" (Justification Letter)**

### **TRIAD HOUSING PARTNERS**

### **DELEGATION APPLICATION**

### **JUSTIFICATION STATEMENT**

#### **I. REASON FOR REQUEST.**

1. Introduction. The Applicant has submitted an application to rezone a 5.51 acre vacant parcel located in the Town of Davie (the "Town") on the northwest corner of Davie Road Extension and NW 74<sup>th</sup> Street (the "Property"). Triad Housing ("Triad") is requesting this rezoning to accommodate a proposed 56-unit residential multi-family project to be constructed on the Property (the "Project").

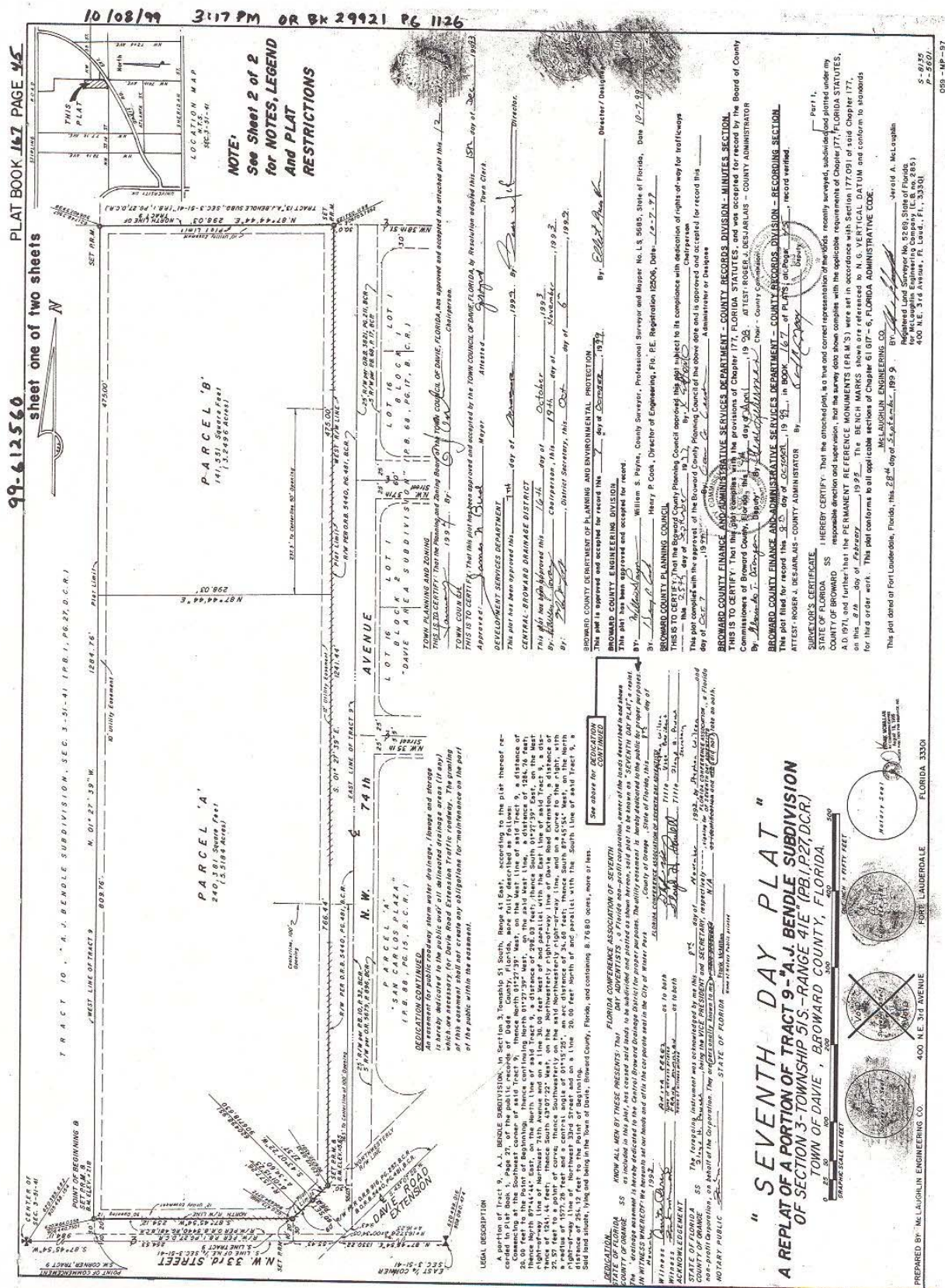
2. Land use and zoning. The Property is designated as Residential-10 (R-10) on the Town's Land Use Map which permits multi-family residential uses at a density of up to 10 dwelling units per acre. However, the Property's *existing* zoning classification - Community Facility (CF) - does not permit residential multi-family uses. Triad is currently rezoning the Property from CF to RM-10 to allow multi-family uses at a density of 10 units per acre. The existing CF zoning district severely limits the use and improvement of the Property as a sustainable and economically feasible development. By rezoning the property to RM-10, Triad will be permitted to develop the Property in accord with the intent of the underlying land use designation, which contemplates residential uses at a density of 10 dwelling units per acre. The currently proposed site plan has designated a total of 53 units on the Property.

3. Current Plat Note. The current plat note is as follows:

*This plat is restricted to 35,000 square feet of church use. Other church related uses, such as elementary, middle and high school, preschool or day care are not permitted without the approval of the Board of County Commissioners who shall review and address these uses for increased imcts*

Based upon the Applicant's request for a rezoning on the subject property the new plat note will need to read as follows:

*This plat is restricted to 28 townhouse units and 28 garden apartments*



**NOTES**

The State Plane Coordinates and bearings shown on this plat were based on the North American Datum of 1927, coordinate values, as shown on the Official Survey Map of Broward County, Florida, and as transformed to the North American Datum of 1983, with the 1990 adjustment.

Notice: This plat, as recorded in its graphic form, is the official depiction of the plat and is subject to the provisions of the Broward County Land Development Code, which shall be read in conjunction with this plat. There may be additional restrictions that are not recorded on this plat but may be found in the public records of Broward County, Florida.

REFERENCE BENCH MARK: Broward County Engineering Benchmark no. 1074 (X-cut in rim of S.E.T. manhole at the N.W. corner of Davis Road Extension and N. 7th Avenue) Elevation = 2.327.

If a building permit for a principal building (excluding dry models, sites and construction offices) and first inspection approval are not issued by the County Engineer, then the County Engineer shall not issue a building permit. The County Engineer shall not issue a building permit until the applicant has satisfied the adequacy requirements set forth in the Broward County Land Development Code. The owner of the property shall be responsible for providing evidence to the County Engineer that the applicant has satisfied the adequacy requirements set forth in the Broward County Land Development Code, including compliance with the appropriate governmental entity, documenting compliance with this requirement within the above referenced time frame and for.

If project water lines, sewer lines, drainage and the rock base for internal roads are not installed by July 1, 2003, which date is five years from the date of the County Engineer's finding of adequacy, then the County's finding of adequacy shall expire and no additional building permits shall be issued until such time as Broward County makes a sub-area within the Broward County Land Development Code. The requirements set forth in the Broward County Land Development Code shall be satisfied for a phase of the project, provided a phasing plan has been submitted to and approved by the County Engineer. The owner of the property shall be responsible for providing evidence to the County Engineer that the applicant has satisfied the adequacy requirements set forth in the Broward County Land Development Code, including compliance with this requirement within the above referenced time frame.

This plat is restricted to 35,000 square feet of church use. Other church related uses, including but not limited to, day care, school, preschool or day care are not permitted without the approval of the County Commissioners who shall review and address these uses for increased impacts.

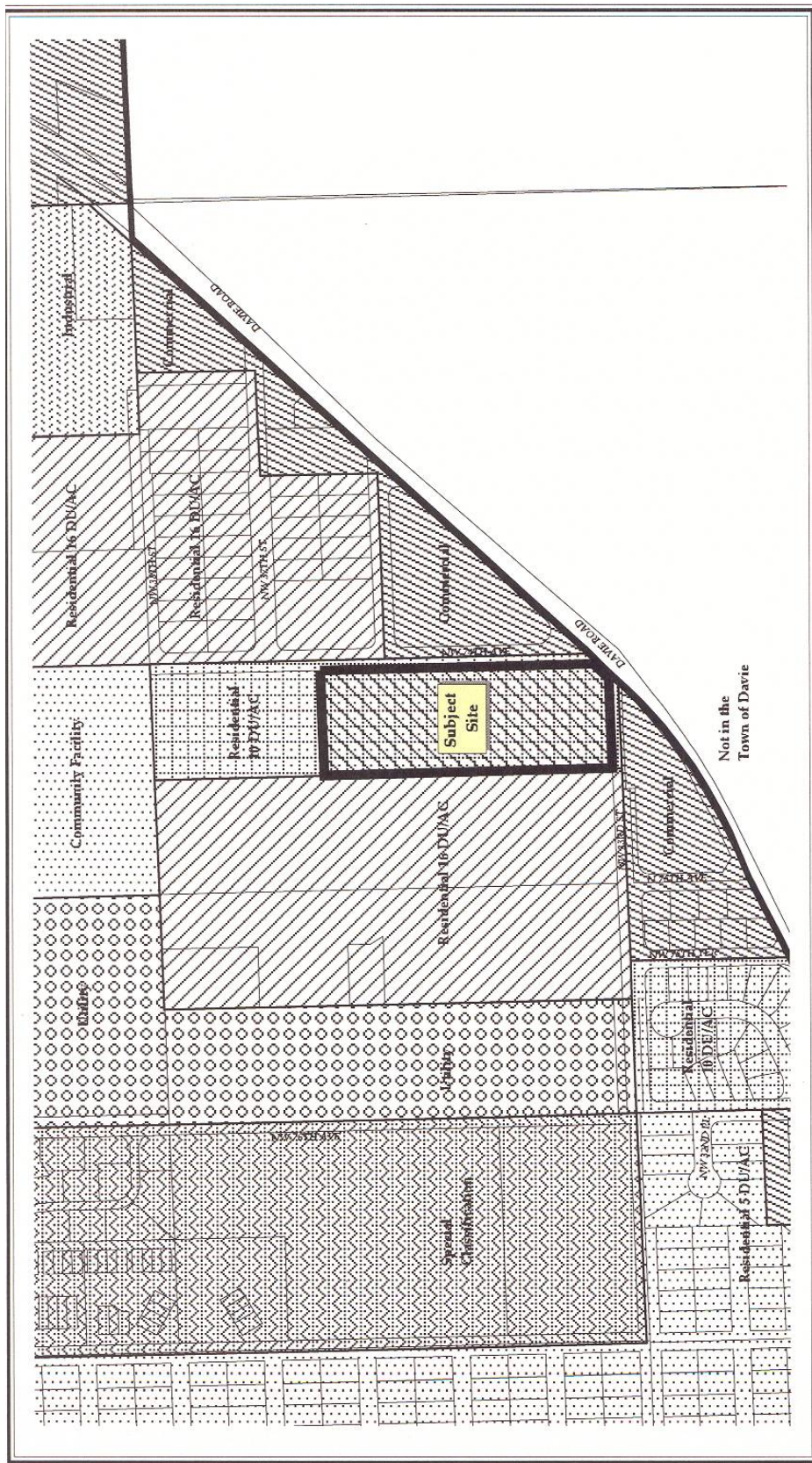
Any structure within this plat must comply with Section IV D.I.F., Development Review Requirements, of the Broward County Land Use Plan, regarding hazards to air navigation.

This note is required by Chapter 5, Article IX, Broward County Code of Ordinances, and may be amended by approval of the Broward County Board of County Commissioners. The County Engineer shall not issue a building permit until the applicant has satisfied the adequacy requirements set forth in the Broward County Land Development Code, including compliance with this requirement within the above referenced time frame.

**"SEVENTH DAY PLAT"**  
**A REPLAT OF A PORTION OF TRACT 9 - "A.J. BENDLE SUBDIVISION**  
**OF SECTION 3, TOWNSHIP 51 S., RANGE 41 E." (P.B. 1, P. 27, D.C.R.)**  
**TOWN OF DAVIE, BROWARD COUNTY, FLORIDA**

**LEGEND**

—————	Indicates - Non-Vehicular Access Line	—————	Indicates - Clarifying
● P.M.	Indicates Permanent Reference Monument	P.B.	Indicates Plat Book
B.M. Elev.	Indicates Bench Mark Elevation	SW	Indicates Southwest
S	Indicates South	PC or P.	Indicates Page
E	Indicates East	PB	Indicates Plat Book
W	Indicates West	B.C.R.	Indicates Broward County Records
N	Indicates North	D.C.R.	Indicates Dade County Records
O.R.B.	Indicates Official Records Book	R/M	Indicates Right-of-way



Delegation Request  
 DG 7-2-04 / 04-384 / Seventh Day Plat  
 Future Land Use Map

Prepared By: D.M.A.  
 Date Prepared: 8/12/04



The Town of Davie  
 Development Service Department  
 Planning & Zoning Division



Scale 1:4800

"Exhibit 3" (Aerial, Zoning, Subject Site Map)

